

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference Hi-bu 032565wo | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416) | |
| International application No. PCT/US 03/19014 | International filing date (day/month/year) 13.06.2003 | Priority date (day/month/year) 14.06.2002 |
| International Patent Classification (IPC) or both national classification and IPC G01P15/06 | | |
| Applicant 3M INNOVATIVE PROPERTIES COMPANY et al. | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

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|---|--|
| Date of submission of the demand 31.12.2003 | Date of completion of this report 24.09.2004 |
| Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016 | Authorized Officer Pflugfelder, G Telephone No. +31 70 340-2890  |

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/US 03/19014**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-35 as originally filed

Claims, Numbers

1-48 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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EXAMINATION REPORT**

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

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|-------------------------------|-------------|------------------------------------|
| Novelty (N) | Yes: Claims | 12-14,16,17,21-26,34,40,47 |
| | No: Claims | 1-11,15,18-20,27-33,35-39,41-46,48 |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1-48 |
| Industrial applicability (IA) | Yes: Claims | 1-48 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1: PATENT ABSTRACTS OF JAPAN vol. 2000, no. 21, 3 August 2001 (2001-08-03) -& JP 2001 099854 A (AKEBONO BRAKE IND CO LTD), 13 April 2001 (2001-04-13)
- D2: DE 197 24 440 A (PARTHY KAI) 17 December 1998 (1998-12-17)
- D3: US-B-6 272 9011 (TAKEUCHI KAZUHIRO ET AL) 14 August 2001 (2001-08-14)
- D4: PATENT ABSTRACTS OF JAPAN vol. 1996, no. 06, 28 June 1996 (1996-06-28) -& JP 08 043425 A (MATSUSHITA ELECTRIC IND CO LTD), 16 February 1996 (1996-02-16)

1. Novelty

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 37, 38 is not new in the sense of Article 33(2) PCT.

1.1 The document **D1** (see abstract; paragraphs [0011]-[0015]; figures); discloses (the references in parentheses applying to this document):

A shock indicator comprising:

- a base having a first and second side;
- an indicator (1) comprising a plurality of subparts (21,31,32) comprising solid material arranged:
 - in a first configuration (figures (a)-(d) prior to a shock event (figure (e))),
 - in a second configuration (figures (f)-(h): "ink ball (3) breaks") following a shock event;
- means for attachment of the shock indicator to a surface.

Claim 1 is therefore not new.

1.2 The document **D1** (see paragraph [0015]; figure 2) further discloses an assembly having the feature, that the shock indicator is associated with a cellular telephone.

Claim 37 is thus not new.

1.3 The document **D1** (see passages as cited above) discloses the method features

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of claim 38 of

- providing a base having a first surface and a second surface, the second surface being associated with attachment means,
- placing an indicator as described by the features of claim 1 in association with said first surface.

Claim 38 is thus not new.

1.4 In a similar way document D2 (see the whole document) or document D3 (see column 8, line 10 - column 9, line 31; column 10, lines 1-31; column 12, line 49 - column 13, line 28; figures) can be used to show the lack of novelty of claims 1 and 37.

2. Dependent claims

Dependent claims 2-36, 39-48, as far as they can be commented in the view of their lacking clarity, do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see documents D1-D3 and the corresponding passages cited in the search report.

3. Industrial applicability

The claimed invention meets the requirement of industrial applicability of Article 33 (4) PCT.